

Attorney Docket No: 6750-0005.22  
IMATX File: IT01-U03.US4

PATENT

### DECLARATION AND POWER TO PROSECUTE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### PATIENT SELECTABLE KNEE ARTHROPLASTY DEVICES

the specification of which:

(check one)

☐ is attached hereto;

☒ was filed as United States Application Serial No. 10/752,438 on January 5, 2004, and was amended on \_\_\_\_\_ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

<u>Application Number(s)</u>	<u>Filing Date(s)</u> (day/month/year)	<u>Priority Claimed</u>
60/293,488	25 May 2001	Yes
60/363,527	12 March 2002	Yes
60/380,695	14 May 2002	Yes
60/380,692	14 May 2002	Yes

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application No.</u>	<u>Date of Filing (day/month/year)</u>	<u>Priority Claimed</u>
10/724,010	25 November 2003	Yes
10/681,750	7 October 2003	Yes
10/305,652	27 November 2002	Yes
10/160,667	28 May 2002	Yes

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

None known.

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As a named inventor, I hereby appoint the registered practitioners of the Customer Number provided below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith; I further direct that correspondence concerning this application be directed to:

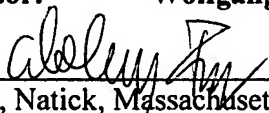
Imaging Therapeutics, Inc. c/o  
Robins & Pasternak  
1731 Embarcadero Road, Suite 230  
Palo Alto CA 94304  
Tel: 650.493.3400  
Fax: 650.493.3440

CUSTOMER NUMBER: **36806**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** **Wolfgang FITZ**

Inventor's signature



Date

4/29/04

Residence: 2 Joshua Path, Natick, Massachusetts 01760

Citizen of: Germany

Post Office Address: (same as above)

**Full name of second inventor:** **Philipp LANG**

Inventor's signature

Date

Residence: 7 Fair Oaks Terrace, Lexington, Massachusetts 02421

Citizen of: Germany

Post Office Address: (same as above)

**Full name of third inventor:** **Daniel STEINES**

Inventor's signature

Date

Residence: 3619 Park Boulevard, Palo Alto, California 94306

Citizen of: Germany

Post Office Address: (same as above)

**Full name of fourth inventor: Konstantinos TSOUGARAKIS**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 950 High School Way, #3219, Mountain View, California 94041  
Citizen of: Greece  
Post Office Address: (same as above)

**Full name of fifth inventor: Rene VARGAS-VORACEK**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 124 Piedra Drive, Sunnyvale, California 94086  
Citizen of: Bolivia  
Post Office Address: (same as above)

**Full name of sixth inventor: Hacene BOUADI**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 1824 Oak Creek Drive, Apt. 307, Palo Alto, California 94304  
Citizen of: United States and Algeria  
Post Office Address: (same as above)

**Full name of seventh inventor: Cecily Anne SNYDER**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 69 Ovington Drive, East Falmouth, Massachusetts 02536  
Citizen of: United States  
Post Office Address: (same as above)



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Imaging Therapeutics, Inc. c/o  
Robins & Pasternak  
1731 Embarcadero Road, Suite 230  
Palo Alto CA 94304  
Tel: 650.493.3400  
Fax: 650.493.3440

CUSTOMER NUMBER: **36806**

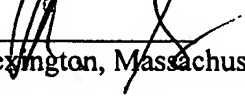
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** **Wolfgang FITZ**

Inventor's signature \_\_\_\_\_  
Residence: 2 Joshua Path, Natick, Massachusetts 01760  
Citizen of: Germany  
Post Office Address: (same as above)

Date \_\_\_\_\_

**Full name of second inventor:** **Philipp LANG**

Inventor's signature  \_\_\_\_\_  
Residence: 7 Fair Oaks Terrace, Lexington, Massachusetts 02421  
Citizen of: Germany  
Post Office Address: (same as above)

Date 4/29/04

**Full name of third inventor:** **Daniel STEINES**

Inventor's signature \_\_\_\_\_  
Residence: 3619 Park Boulevard, Palo Alto, California 94306  
Citizen of: Germany  
Post Office Address: (same as above)

Date \_\_\_\_\_

**Full name of fourth inventor: Konstantinos TSOUGARAKIS**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 950 High School Way, #3219, Mountain View, California 94041  
Citizen of: Greece  
Post Office Address: (same as above)

**Full name of fifth inventor: Rene VARGAS-VORACEK**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 124 Piedra Drive, Sunnyvale, California 94086  
Citizen of: Bolivia  
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**Full name of sixth inventor: Hacene BOUADI**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 1824 Oak Creek Drive, Apt. 307, Palo Alto, California 94304  
Citizen of: United States and Algeria  
Post Office Address: (same as above)

**Full name of seventh inventor: Cecily Anne SNYDER**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
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Palo Alto CA 94304  
Tel: 650.493.3400  
Fax: 650.493.3440

CUSTOMER NUMBER: **36806**

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Residence: 124 Piedra Drive, Sunnyvale, California 94086  
Citizen of: Bolivia  
Post Office Address: (same as above)

**Full name of sixth inventor:** Hacene BOUADI

Inventor's signature Hacene Bouadi Date May 3, 2004  
Residence: 1824 Oak Creek Drive, Apt. 307, Palo Alto, California 94304  
Citizen of: United States and Algeria  
Post Office Address: (same as above)

**Full name of seventh inventor:** Cecily Anne SNYDER

Inventor's signature Cecily Anne Snyder Date 14 May 2004  
Residence: 69 Ovington Drive, East Falmouth, Massachusetts 02536  
Citizen of: United States  
Post Office Address: (same as above)